

Applicant : Dana Ault Riche et al.

Serial No. : 10/699,088

Filed : October 30, 2003

ELECTION AND PRELIMINARY AMENDMENT

Attorney's Docket No.: 17102-005001 / 1754

REMARKS

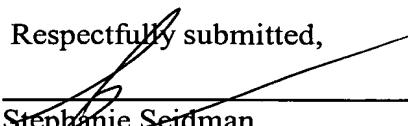
Any fees that may be due in connection with the filing of this paper or with this application may be charged to Deposit Account No. 06-1050. If a Petition for Extension of time is needed, this paper is to be considered such Petition. Claims 1-134 are pending in this application. Claims 2, 4, 5, 7 8, 19, 20 and 26 are amended in order so that these claims fall within the elected group as set forth by the Examiner.

Traversal of the Requirement for Restriction

It respectfully is submitted that the Restriction Requirement as between groups I and II is not properly set forth in the Office Action. For example, claim 25 is alleged to be within group II, but claim 25 is dependent upon claim 1, which is in group 1. Hence, if the requirement is maintained as set forth, then groups 1 and 2 are not restrictable. For example, claim 25 and claim 1 are related as a combination subcombination, which would require two-way distinctness, which is not present as between claim 25 and claim 1. Notwithstanding these errors, applicant has elected group II and amended claims to be consonant with the requirement for restriction. As amended and originally filed, group II should include claims 2-4, 5 , 7, 8, 18-19, 20 , 26 -40, 121, 122 and 124-132.

With respect to the election of species, Applicant elects the species in which the starting library is a nucleic acid library, that encodes scFvs and the capture agents are scFvs. None of the other species are pertinent to group II, since none of the claims that set forth elements.. For example, none of the dependent claims in group II require particular ligands, stains, biological particles or tagged capture agents. The elected method is directed evenly distributing nucleic acid molecules that encode polypeptide tags among members of a nucleic acid library. The polypeptide tags are any polypeptides that specifically bind to any capture agent. If the capture agents are scFvs, the polypeptide tag is a polypeptide that binds to the scFv.

Respectfully submitted,


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